OIPE JC107
JUL 08 2005
PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No. 49272.830011.US0
Express Mail Label No. EV268506881US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| In re Application of: | |
| Fulton, Michael | Examiner: Gherbi, Suzette Jaime J. |
| Serial No. 10/680,982 | Art Unit: 3738 |
| Filed: October 7, 2003 | |
| For: SPINAL IMPLANT | |

PETITION FOR A ONE-MONTH EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

The applicants, by and through the undersigned attorney, hereby petition for a one-month extension of time, i.e., up to and including August 5, 2005, in which to respond to the Office Action mailed April 5, 2005. Please charge Deposit Account No. 08-2623 to cover the $60.00 extension fee. Any additional charges may be charged to Deposit Account No. 08-2623.

WHEREFORE, it is respectfully requested that the one-month extension of time be granted.

Respectfully submitted,

Dated: July 8, 2005

Brian Kinnear, Reg. No. 43,717
HOLLAND & HART LLP
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07/13/2005 SSITHIB1 00000097 082623 10680982
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PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
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Effective on 12/08/2004
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL
# For FY 2005

☒ Applicant claims small entity status. See 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT ($) 60.00

| *Complete if Known* | |
|---|---|
| Application Number | 10/680,982 |
| Filing Date | October 7, 2003 |
| First Named Inventor | Fulton, Michael |
| Examiner Name | Gherbi, Suzette Jaime J. |
| Art Unit | 3738 |
| Attorney Docket No. | 49272.830011.US0 |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ NoneOther(please identify):_____

☒ Deposit Account Deposit Account Number: 08-2623 Deposit Account Name: Holland and Hart

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
|---|---|---|---|---|---|---|---|
| Application Type | Fee ($) | Small Entity Fee ($) | Fee ($) | Small Entity Fee ($) | Fee ($) | Small Entity Fee ($) | Fees Paid ($) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

### 2. EXCESS CLAIM FEES

| Fee Description | Fee ($) | Small Entity Fee($) |
|---|---|---|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims _____ -20 or HP = _____ Extra Claims X Fee ($) _____ = Fee Paid ($) _____

HP = highest number of total claims paid for, if greater than 20

Multiple Dependent Claims Fee($) _____ Fee Paid ($) _____

Indep. Claims _____ -3 or HP = _____ Extra Claims X Fee ($) _____ Fee Paid ($) _____

HP=highest number of independent claims paid for, if greater than 3.

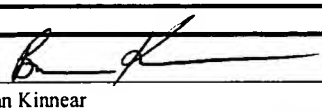
### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ -100 _____ Extra Sheets /50= _____ Number of each additional 50 or fraction thereof (round up to a whole number) ____ X Fee ($) _____ = Fee Paid ($) _____

### 4. OTHER FEES

| | Fees Paid ($) |
|---|---|
| Non-English Specification, $130 fee (no small entity discount) | |
| Other (e.g., late filing surcharge: Petition for One-Month Extension Fee: | $60.00 |

| SUBMITTED BY | | | | Complete (*if applicable*) | |
|---|---|---|---|---|---|
| Signature |  | *Registration No. (Attorney/Agent)* | 43,717 | Telephone | (303) 295-8170 |
| Name (Print/Type) | Brian Kinnear | | | Date | July 8, 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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